

**Coast Guard, DHS**

**§ 159.010-5**

**§ 159.007-11 Production inspections and tests: Yearly report.**

(a) When the manufacturer uses the production inspection and test procedures in an applicable subpart he must submit a yearly report. The report is not required when inspection and test procedures approved under §159.007-3 are used.

(b) The report must include the following:

- (1) A list of all inspections and tests performed;
- (2) A summary of the results of each group of inspections or tests;
- (3) A detailed description of any test failures; and
- (4) A statement whether or not all required tests were performed.

**§ 159.007-13 Production inspections and tests: Records.**

(a) The manufacturer must have a completed record with the following information for each production inspection and test:

- (1) The time, date and place of each inspection and test.
- (2) The name and title of each person performing, supervising and witnessing the inspections or tests.
- (3) The performance data for each test required in the applicable subpart, including a description of each failure.
- (4) A description or photographs of the procedures and apparatus used in the inspections or tests.

(b) The manufacturer must retain each record under this section for at least 60 months after the month in which the inspection or test was conducted.

(c) The records must be made available for examination by the Commandant upon request.

**Subpart 159.010—Independent Laboratory: Acceptance, Recognition, and Termination**

**§ 159.010-1 Purpose.**

This subpart contains the following:

- (a) The standards and procedures under which the Coast Guard accepts an independent laboratory that a manufacturer proposes to use.
- (b) The standards and procedures under which a laboratory is accepted as

a recognized laboratory under applicable subparts.

(c) The circumstances under which the acceptance or recognition of a laboratory is terminated.

[CGD 93-055, 61 FR 13928, Mar. 28, 1996]

**§ 159.010-3 Independent laboratory: Standards for acceptance.**

(a) To be accepted by the Coast Guard as an independent laboratory, a laboratory must—

(1) Be engaged, as a regular part of its business, in performing inspections and tests that are the same as or similar to the inspections and tests required in the applicable subpart;

(2) Have or have access to the apparatus, facilities, personnel, and calibrated instruments that are necessary to inspect and test the equipment or material under the applicable subpart;

(3) Not be owned or controlled by—

(i) The manufacturer of the equipment or material to be inspected or tested under this subchapter or any manufacturer of similar equipment or material;

(ii) A vendor of the equipment or material to be inspected or tested under this subchapter or a vendor of similar equipment or material; or

(iii) A supplier of materials to the manufacturer;

(4) Not be dependent on Coast Guard acceptance under this subchapter to remain in business; and

(5) Not advertise or promote the manufacturer's equipment or material that the laboratory inspects and tests under this subchapter.

(b) [Reserved]

**§ 159.010-5 Independent laboratory: Application for acceptance.**

(a) Each application for acceptance of an organization as an independent laboratory must contain the following:

(1) The name and address of the organization.

(2) A list of the equipment or material that the organization would inspect, or test, or both, under this subchapter.

(3) A description of the organization's experience and its qualifications for conducting the inspections and tests required in the applicable subpart.

(4) A description of the apparatus and facilities available to the organization for conducting those inspections and tests.

(5) If instruments are used in the required tests and inspections, a description of the instrument calibration program applying to those instruments.

(6) The position titles of personnel who are to perform, supervise, or witness those inspections or tests, along with the training and experience required for personnel in those positions.

(7) A statement signed by the chief officer of the organization or the chief officer's representative, that an official representative of the Coast Guard is allowed access upon request to the place where tests and inspections take place, to verify the information submitted in the application, or to witness tests and inspections.

(b) Each application for acceptance as an independent laboratory that is not submitted by an agency of a state or another national government, or by a classification society, must also contain the following:

(1) The name and address of each subsidiary and division of the organization, or a statement that none are involved in the testing or manufacturing of equipment approved under this subchapter.

(2) The name, title, address, and principal business activity of each of the organization's officers and directors, and the name, address, and principal business activity of each person, company, or corporation that owns at least three-percent interest in the organization or in a company or corporation that controls the organization.

[CGD 93-055, 61 FR 13928, Mar. 28, 1996]

**§ 159.010-7 Recognized independent laboratory: Memorandum of Understanding.**

(a) Only laboratories that have entered into an MOU with the Coast Guard may perform the functions of a recognized laboratory under this chapter.

(b) An independent laboratory seeking to become a recognized independent laboratory must submit a signed MOU to the Commandant that includes—

(1) A statement of purpose;

(2) An identification and description of the parties involved;

(3) A description of the problem resolution and appeals processes;

(4) A description of the process for measuring effectiveness and efficiency of the program under the MOU;

(5) The effective date of the MOU and terms for its termination;

(6) A statement to the effect that the MOU is not an exclusive agreement between the recognized independent laboratory and the Coast Guard;

(7) An agreement to conduct comparison testing with other recognized laboratories as directed by the Coast Guard, no more often than twice each year, with the laboratory bearing the cost of sample acquisition and testing;

(8) A statement as to how the costs of implementing the MOU will be borne; and

(9) A description of each party's responsibilities for—

(i) Equipment review and approval;

(ii) Coast Guard oversight of the recognized independent laboratory's procedures and processes;

(iii) Coordination between the parties;

(iv) Developing and maintaining regulations and standards;

(v) Handling review and approval of new and novel items not anticipated by existing regulations and standards;

(vi) Testing and inspection facilities and procedures;

(vii) Production quality control; and

(viii) Maintenance of records.

(c) The signature on the MOU required by paragraph (b) of this section must be that of the chief officer of the independent laboratory or the chief officer's representative. The Commandant or an authorized representative of the Commandant will review the MOU to ensure that it contains the information required by paragraph (b) of this section, and that the substantive provisions submitted in compliance with that paragraph are equivalent to those contained in other MOUs signed by the Commandant. If the Commandant determines that the MOU is acceptable and the independent laboratory is capable of carrying out the equipment approval functions identified in the MOU in accordance with all